

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MANUFACTURERS ALLIANCE
INSURANCE COMPANY,

Plaintiff,

v.

ALLERTON CHARTER COACH, INC.,
DENNIS TOEPPEN, AND THE PEOPLE OF
THE STATE OF ILLINOIS EX REL. LISA
MADIGAN, ATTORNEY GENERAL OF THE
STATE OF ILLINOIS,

Defendants.

File No.: 1:18-CV-04013

**UNCONTESTED MOTION FOR EXTENSION OF TIME TO ANSWER OR
OTHERWISE PLEAD**

The Defendants, Allerton Charter Coach, Inc., and Dennis Toeppen, (“Defendants) by and through its attorneys Schueler, Dallavo & Casieri, respectfully request an extension of time to November 30, 2018 to respond to Plaintiff’s Complaint. In support thereof, Defendants states as follows:

1. Plaintiff, Manufacturers Alliance Insurance Company (“MAICO”) filed its Complaint for Declaratory Judgement against the Defendants on June 8, 2018 seeking this Court’s determination concerning the respective rights and obligations of the parties under two insurance policies issued by MAICO to Allerton for the policy period of September 1, 2017 to September 1, 2018: (1) a Commercial General Liability Insurance Policy, Policy No. 301705-08-44-58-9 (the “CGL Policy”); and (2) a Commercial Business Auto Policy, Policy No. 151705-08-44-58-9 (the “Business Auto Policy”) (collectively, the “Policies”).

2. The Defendants had sought coverage for a lawsuit brought against them captioned *People of the State of Illinois ex rel. Lisa Madigan v. Suburban Express, Inc., et al.*, 1:18-cv-02861, in the United States District Court for the Northern District of Illinois, Eastern Division (the “Underlying Lawsuit”), under both the CGL and the Business Auto Policies, and MAICO has denied coverage under both Policies.

3. On September 26, 2018 this Court granted a motion filed by the Defendants to have counsel appointed on their behalf and undersigned counsel was appointed to represent them.

4. Undersigned Counsel filed an Appearance on behalf of the Defendants on October 11, 2018.

5. Defendants Counsel has worked diligently to review the underlying allegations of the lawsuit against the Defendants as well as the Complaint for Declaratory Judgment and Policies referenced in the action brought by MAICO.

6. Counsel has also worked closely with Mr. Toeppen in discussing the underlying Complaint brought against him by the State and is aware of the ongoing settlement efforts being undertaken in that case by Judge Wood.

7. Counsel has also spoken with Mr. Toeppen regarding another Declaratory Judgment Complaint brought against him by Hartford Casualty Insurance Company (“Hartford”) pending before this Court.

8. Counsel has also engaged in several discussions with Counsel for MAICO regarding case status, discovery and possible resolution.

9. In light of the number of legal matters pending against the Defendants, the complex coverage matter filed by MAICO, the significance of it to the underlying lawsuit brought by the State of Illinois and the interrelationship of the facts of the underlying lawsuit to MAICO's request for adjudication of its duty to defend, the Defendants request additional time until November 30, 2018 to answer or otherwise plead to MAICO's Complaint.

10. In addition, for purposes of judicial economy it may be prudent to determine whether the settlement conference scheduled for the week of November 5 between the State of Illinois and the Defendants, is successful in resolving the underlying dispute rendering the instant case moot.

11. This motion is being made in good faith for purposes of preparing an adequate defense, without any purpose of creating undue delay. Granting the extension as requested will not prejudice the Plaintiff.

For the reasons stated, the Defendants, Allerton Charter Coach, Inc., and Dennis Toeppen, respectfully request that the Court grant them an extension of time until November 30, 2018, to file their answer or otherwise plead to the Plaintiff's Complaint or for such relief as the Court finds reasonable and just.

Respectfully submitted,

SCHUELER, DALLAVO & CASIERI

/s/ Matthew J. Schueler

An Attorney for Defendants

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CERTIFICATE OF SERVICE

Matthew J. Schueler, an attorney in this cause, certifies that a copy of the foregoing Defendants' Motion for Extension of Time to Answer or Otherwise Plead was served upon the below listed attorneys by the Electronic Case Filing (ECF) system; electronic and regular mail with proper postage pre-paid this **26th** day of **October 2018**.

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/s/ Matthew J. Schueler
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